



SOCIAL SECURITY

Refer to:

S9H: SSA-2020-000025

October 11, 2019

Mr. John Ricker
MuckRock News
Dept. MR 65523
411A Highland Ave
Somerville, MA 02144
65523-70854606@requests.muckrock.com

Dear Mr. John Ricker:

I am responding to your October 2, 2019 Freedom of Information Act (FOIA) request for the entire Open Access Death Master File (DMF), in native electronic format, as defined in 15 CFR 1110.2: "Open Access DMF. The DMF product made available by NTIS, which does not include DMF with respect to any deceased individual at any time during the three-calendar-year period beginning on the date of the individual's death." You further clarified your request by stating that you do not seek the Limited Access DMF and you refuse to participate in 15 CFR 1110 "certification."

We have determined that your request is for non-program related purposes and therefore, the agency should charge the full costs it incurs when providing you this information. *See* 20 C.F.R. § 402.175. Section 1106 of the Social Security Act (Act) gives the agency the authority to charge full costs for responding to information requests that are for non-program related purposes, regardless of the fee provisions of FOIA. 42 U.S.C. § 1306(c). Because the agency is invoking its authority under section 1106 of the Act, your status as a FOIA requester is irrelevant and the agency will charge you full costs. Accordingly, the agency will charge you for the search, duplication, and review it undertakes to attempt to fulfill your request, regardless of your status as a "commercial" requester. *See* 20 C.F.R. § 402.175(c).

When our employees search for records, we charge the following hourly rate depending on the grade of the employee:

- \$16.00 (GS-1 through GS-8)
- \$33.00 (GS-9 through GS-14)
- \$59.00 (GS-15 and above)

We estimate that the cost of this information is \$5,742.00, which includes 150 hours of search time at \$33.00 an hour and 24 hours of review time at \$33.00 an hour. The estimated work effort

includes the organization of the publically available death information, development of 508 compliant record layout, and the development of the transmission method and format of the information due to the extreme size of the data file. Please note that we will review any information we locate for release under the FOIA.

If you want us to proceed with your request, **you must let us know**. You may also narrow the scope of your request or set a limit on the amount you are willing to spend. You may pay by check or money order made payable to SSA or by credit card (MasterCard, Visa, Discover, American Express, or Diner's Club). To pay by credit card, complete and sign the enclosed form. Be sure to include your credit card number and expiration date.

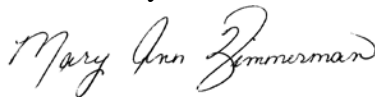
You may submit payment information by email to FOIA.Public.Liaison@ssa.gov or by mail to my attention at G-401 WHR, 6401 Security Boulevard, Baltimore, Maryland 21235. Please annotate the above reference number on your payment. **If we do not receive payment within ten business days from the date of this letter, we will administratively close your request.** You will not receive a separate notification that we closed your request.

If you have questions, or would like further assistance with your request, you may contact our FOIA Public Liaison by email at FOIA.Public.Liaison@ssa.gov; by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-966-0869.

You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration for dispute resolution services. OGIS is an entity outside of the Social Security Administration that offers mediation services to resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

If you disagree with this decision, you may file a written appeal with the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, G-401 WHR, 6401 Security Boulevard, Baltimore, Maryland 21235. Your appeal must be postmarked or electronically transmitted to FOIA.Public.Liaison@ssa.gov within 90 days of the date of our response to your initial request. Please mark the envelope or subject line with "Freedom of Information Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Zimmerman".

Mary Ann Zimmerman
Freedom of Information Officer

Enclosure